

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT B. PADILLA and TINA M. PADILLA,
as Co-Personal Representatives of the
ESTATE OF ISAAC PADILLA, Deceased,

Plaintiffs,

vs.

CIV 18-00102 BRB-KBM

**BOARD OF COUNTY COMMISSIONERS
OF BERNALILLO COUNTY,**

Defendant.

STIPULATED MOTION TO DISMISS

Plaintiffs Robert B. Padilla and Tina M. Padilla, as Co-Personal Representatives of the Estate of Isaac Padilla (“Plaintiffs”) and the Defendant Board of County Commissioners of Bernalillo County, hereby move the Court for an order dismissing with prejudice the federal claims against the Defendant Board of County Commissioners of Bernalillo County (Count V) and dismissing this case on the stipulated terms set forth below, pursuant to the Court’s order to file closing documents (Doc. 72). As grounds for this motion, the parties state the following:

1. Pursuant to the Court’s Order to file closing documents (Doc. 72), Plaintiffs have stipulated to the dismissal with prejudice of their federal claims against Defendants Joshua Mora and Manuel Gonzales III (Counts I and VI), as well as the dismissal without prejudice of their state-law claims against those two Defendants (Counts II, III, and IV);

2. The stipulated dismissal of the above claims against Defendants Joshua Mora and Manuel Gonzales III leaves Plaintiffs' federal claims against Defendant Board of County Commissioners of Bernalillo County (Count V) as the only remaining claims in this action. There are no remaining state-law claims in this action, as all state-law claims previously have been dismissed without prejudice under the terms of the parties' stipulation.

3. With Plaintiffs' federal claims against Defendant Board of County Commissioners of Bernalillo County (Count V) as the only remaining claims in this action, the entire action can be dismissed under the terms of the parties' stipulation concurrently with the order dismissing those claims.

WHEREFORE the parties move for an order dismissing Plaintiffs' federal claims against Defendant Board of County Commissioners of Bernalillo County (Count V) with prejudice and, with those claims as the only claims remaining in this action, dismissing the case under the terms of the parties' stipulation.

Respectfully submitted,

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